

*United States v. Payton Gendron*

**22-CR-109-LJV**

DEFENDANT'S  
EXHIBIT A

SUPREME/COUNTY COURT : ERIE COUNTY

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THE PEOPLE OF THE STATE OF NEW YORK

against

PAYTON GENDRON

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ECDA Legacy No. 00877-2022

IND- 71645-22/001

THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

FIRST COUNT: DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN THE FIRST DEGREE, in violation of Penal Law §490.28, in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of, or serious physical injury to, five or more other persons, caused the death of at least one person, to wit: ROBERTA DRURY, and caused the death of four or more additional persons, to wit: HEYWARD PATTERSON, PEARL YOUNG, RUTH WHITFIELD, CELESTINE CHANEY, AARON SALTER, ANDRE MACKNIEL, MARGUS MORRISON, KATHERINE MASSEY, and GERALDINE TALLEY, none of whom were participants in the criminal transaction, and the defendant did so in whole or in substantial part because of the perceived race and/or color of such person or persons regardless of whether that belief or perception was correct.

SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of ROBERTA DRURY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause

serious physical injury to or the death of an additional person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction.

THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction.

FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of PEARL YOUNG, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction.

FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death

of another person, caused the death of RUTH WHITFIELD, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction.

SIXTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of CELESTINE CHANEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of AARON SALTER, who was not a participant in the criminal transaction.

SEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of AARON SALTER, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction.

EIGHTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction.

NINTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of MARGUS MORRISON, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction.

TENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of KATHERINE MASSEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction.

ELEVENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE FIRST DEGREE, in violation of Penal Law §125.27(1)(a)(viii), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, being more than 18 years old at the time of the commission of the crime, and with intent to cause the death of another person, caused the death of GERALDINE TALLEY, who was not a participant in the criminal transaction, and, as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person, caused the death of ROBERTA DRURY, who was not a participant in the criminal transaction.

TWELFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ROBERTA DRURY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ROBERTA DRURY, regardless of whether the belief or perception was correct.

THIRTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of HEYWARD PATTERSON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of HEYWARD PATTERSON, regardless of whether the belief or perception was correct.

FOURTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,  
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of PEARL YOUNG, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of PEARL YOUNG, regardless of whether the belief or perception was correct.

FIFTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,  
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of RUTH WHITFIELD, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of RUTH WHITFIELD, regardless of whether the belief or perception was correct.

SIXTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,  
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of CELESTINE CHANEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of CELESTINE CHANEY, regardless of whether the belief or perception was correct.

SEVENTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of AARON SALTER, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of AARON SALTER, regardless of whether the belief or perception was correct.

EIGHTEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of ANDRE MACKNIEL, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ANDRE MACKNIEL, regardless of whether the belief or perception was correct.

NINETEENTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of MARGUS MORRISON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of MARGUS MORRISON, regardless of whether the belief or perception was correct.

TWENTIETH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE,  
by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of KATHERINE MASSEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of KATHERINE MASSEY, regardless of whether the belief or perception was correct.

TWENTY-FIRST COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, caused the death of GERALDINE TALLEY, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of GERALDINE TALLEY, regardless of whether the belief or perception was correct.

TWENTY-SECOND COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of ZAIRE GOODMAN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of ZAIRE GOODMAN, regardless of whether the belief or perception was correct.

TWENTY-THIRD COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

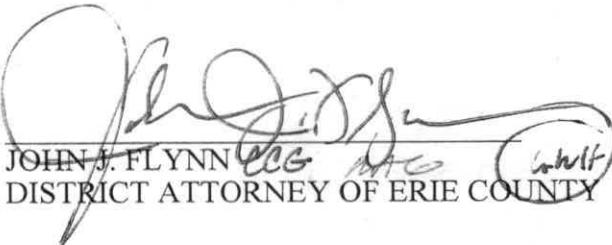
ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of CHRISTOPHER BRADEN, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FOURTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

ATTEMPTED MURDER IN THE SECOND DEGREE, as a HATE CRIME, in violation of Penal Law §§ 110.00, 125.25(1), 485.05(1)(b), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, with intent to cause the death of another person, attempted to cause the death of JENNIFER WARRINGTON, and intentionally committed this act in whole or in substantial part because of a belief or perception regarding the race and/or color of another person, regardless of whether the belief or perception was correct.

TWENTY-FIFTH COUNT: AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses PAYTON GENDRON of the following crime:

CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, in violation of Penal Law §265.03(3), in that the said PAYTON GENDRON, on or about the 14th day of May, 2022, in this County, knowingly possessed a loaded firearm, to wit: an assault weapon.



JOHN J. FLYNN  
DISTRICT ATTORNEY OF ERIE COUNTY

JUN - 1 2022 No. 00877-2022

SUPREME/COUNTY COURT  
ERIE COUNTY

4-B Term, 20 22

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THE PEOPLE

AGAINST

PAYTON GENDRON

Arraigned the \_\_\_\_\_ day of 20 \_\_\_\_

Plead \_\_\_\_\_ Guilty.

Counsel \_\_\_\_\_

Filed JUN - 1 2022 day of 20 \_\_\_\_

*Jenny Jurek*  
\_\_\_\_\_  
Clerk

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INDICTMENT

DOMESTIC ACT OF TERRORISM MOTIVATED BY HATE IN THE FIRST DEGREE, P.L. §490.28

MURDER IN THE FIRST DEGREE, P.L. §125.27(1)(a)(viii) **10 COUNTS**

MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§125.25(1), 485.05(1)(b) **10 COUNTS**

ATTEMPTED MURDER IN THE SECOND DEGREE, AS A HATE CRIME, P.L. §§110.00, 125.25(1), 485.05(1)(b) **3 COUNTS**

CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, AN ARMED FELONY, P.L. §265.03(3)

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JOHN J. FLYNN  
DISTRICT ATTORNEY

A TRUE BILL

*Chloe M. Bellon*  
\_\_\_\_\_  
Foreperson

*United States v. Payton Gendron*

**22-CR-109-LJV**

# DEFENDANT'S EXHIBIT B

1 STATE OF NEW YORK: COUNTY OF ERIE  
2 ERIE COUNTY COURT: PART 27  
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3 THE PEOPLE OF THE STATE OF NEW YORK,

**SENTENCING**

4 -VS-

5 DA LEGACY FILE NO.: 00877-2022  
6 IND FILE NO.: 71645-22/001

7 PAYTON GENDRON,

8 Defendant.

9 \*\*\*\*\*  
10 25 Delaware Avenue  
11 Buffalo, New York  
12 February 15, 2023

13 Before:

14 HONORABLE SUSAN M. EAGAN,  
15 Erie County Court Judge.

16 Appearances:

17 JOHN J. FLYNN,  
18 Erie County District Attorney,  
19 By JOHN P. FEROLETO, ESQ.,  
20 GARY W. HACKBUSH, ESQ.,  
JUSTIN H. CALDWELL, ESQ.,  
NOHA A. ELNAKIB, ESQ.,  
RYAN D. HAGGERTY, ESQ.,  
Assistant Erie County District Attorneys,  
Appearing for the People.

21 BRIAN K. PARKER, ESQ.,  
22 DANIEL J. DUBoIS, ESQ.,  
ROBERT J. CUTTING, ESQ.,  
Appearing for the Defendant, Payton Gendron.

23 Present:

24 PAYTON GENDRON, Defendant.

1                   THE COURT: Good morning. Welcome to Erie  
2                   County Court. This is the matter of the People of the  
3                   State of New York versus Payton Gendron, IND-71645-22/001.

4                   Can we have the defendant.

5                   (Whereupon, the defendant entered the courtroom.)

6                   THE COURT: The record will reflect that the  
7                   defendant is present in the courtroom in custody, and we  
8                   are here today for purposes of sentencing. Before we get  
9                   started, I would like to note for the record that I have  
10                  received numerous media requests regarding the coverage of  
11                  this case. I have issued an order allowing for a pool  
12                  camera to video and audio record this proceeding and  
13                  livestream the proceeding. Our local CBS news affiliate,  
14                  WIVB, has been designated as that pool camera. There will  
15                  also be a designated pool still photographer here from the  
16                  Buffalo News. Please be advised that no other individuals  
17                  or entities have been approved, or are permitted to record  
18                  this proceeding in any way. And I would ask all  
19                  spectators to silence their cell phones and refrain from  
20                  using their cell phones during this proceeding.

21                  Both the Buffalo News and WIVB are prepared to share  
22                  the images and footage that they have captured. No  
23                  photos, video or livestream footage may be taken of those  
24                  sitting in the gallery. Additionally, not all of the  
25                  victims that wish to speak here today wish to be on video,

1       and I will identify those individuals to the media, and I  
2       would ask that no videos or still photos be taken of those  
3       individuals. I trust that you will honor the order of  
4       this Court and the wishes of these victims.

5              Additionally, Part 22 on the fourth floor will be  
6       available following this proceeding for the press to  
7       gather for any statements from the parties. Is counsel  
8       ready to proceed in this matter?

9                    MR. FEROLETO: Yes, Your Honor.

10                  THE COURT: All right. I would just ask that  
11       all counsel enter their appearance on the record starting  
12       with the People.

13                  MR. FEROLETO: Sure. John Feroleto for the  
14       People.

15                  MR. CALDWELL: Justin Caldwell for the People.

16                  MR. HACKBUSH: Gary Hackbush for the People.

17                  MS. ELNAKIB: Noha Elnakib for the People.

18                  MR. HAGGERTY: Ryan Haggerty for the People.

19                  THE COURT: Thank you.

20                  MR. CUTTING: Robert Cutting for Payton Gendron.

21                  MR. DUBOIS: Dan DuBois on behalf of Mr.  
22       Gendron.

23                  MR. PARKER: Brian Parker on behalf of Mr  
24       Gendron.

25                  THE COURT: Thank you. The People have

1           indicated that they are ready to proceed. Is the defense  
2           ready to proceed?

3           MR. PARKER: We are.

4           THE COURT: Mr. Feroleto.

5           MR. FEROLETO: Thank you, Your Honor. The  
6           People did receive a copy of the presentence investigation  
7           report.

8           THE COURT: Can you use the microphone,  
9           Mr. Feroleto?

10          MR. FEROLETO: Yes. The People have received a  
11          copy of the presentence investigation report. We find no  
12          errors or omissions. Today we anticipate that the Court  
13          will hear from the following people: On behalf of Aaron  
14          Salter, Kimberly Salter. She had previously advised that  
15          she did not wish to be video recorded, although I have  
16          been informed by our victim advocate that she has changed  
17          her mind, and she is okay with her statements being video  
18          recorded. On behalf of Celestine Chaney, Wayne Jones. On  
19          behalf of Roberta Drury, Leslie VanGiesen. On behalf of  
20          Andre Mackniel, Daja Brown and Yvonne Elliot. On behalf  
21          of Katherine Massey, Damone Mapps, Demetrius Massey and  
22          Adrienne -- I'm sorry, Adrienne Massey and Barbara Mapps.  
23          On behalf of Margus Morrison and Pearl Young, Michelle  
24          Spight. On behalf of Ruth Whitfield, Simone Crawley and  
25          Sasha Crawley. On behalf of Geraldine Talley, Brian

1           Talley and Tamika Harper. On behalf of Jennifer  
2           Warrington, Stephanie Waters. On behalf of Zaire Goodman,  
3           Zeneta Everhart. And Christopher Braden will speak on his  
4           own behalf.

5           After the Court hears from those individuals,  
6           Assistant District Attorney Justin Caldwell will address  
7           the Court with comments on behalf of the District  
8           Attorney's Office.

9           THE COURT: Thank you. So, Mr. Feroletto, given  
10          your comments concerning Ms. Salter, to your knowledge,  
11          are there any of the victims that will speak today that do  
12          not wish to be videotaped?

13          MR. FEROLETO: No, Your Honor.

14          THE COURT: All right. Thank you. And you  
15          would ask that they come forward before Mr. Caldwell  
16          speaks, is that what you said?

17          MR. FEROLETO: Yes, Your Honor.

18          THE COURT: All right. So, at this time, ladies  
19          and gentlemen, any victims that wish to come forward to  
20          speak to the Court, you may come forward. And I would ask  
21          that you process up to the podium along this side of the  
22          courtroom, my right, your left, and that all of the  
23          victims remain on this side of the courtroom and not  
24          approach from the other side. So, at this time, I would  
25          leave it to the DA's Office. Good morning.

1 MS. SALTER: Good morning. My name is Kimberly  
2 Salter and I stand here this morning on behalf and with my  
3 husband, Aaron Salter. My family and I are here this  
4 morning and we wear red and black. Red for the blood that  
5 he shed for his family and for his community, and black  
6 because we are still grieving.

7 Today I share with you as it is written in God's  
8 word. You will reap what you sow, more than you sow,  
9 later than you sow. It is your choice. God is loved and  
10 he offers love to each and every one of us. It is written  
11 in John 3:16: For God so loved the world that he gave his  
12 only begotten son, that whosoever believes in him shall  
13 not perish but have eternal life.

14 I will also read Psalm 35. The Lord the Avenger of  
15 His People, A Psalm of David.

16 Plead my cause O LORD, with those who strive with me;  
17 Fight against those who fight against me.  
18 Take hold of shield and buckler,  
19 And stand up for my help.  
20 Also draw out the spear,  
21 And stop those who pursue me.  
22 Say to my soul,  
23 "I am your salvation."  
24  
25 Let those who put to shame -- let those be put to

1           shame who -- and brought to dishonor  
2           Who seek after my life;  
3           Let those be turned back and brought to confusion  
4           Who plot my hurt.  
5           Let them be like chaff before the wind,  
6           And let the angel of the LORD chase them.  
7           Let their way be dark and slippery,  
8           And let the angel of the LORD pursue them.  
9           For without cause they have hidden their net for me  
10          in a pit,  
11          Which they have dug without cause for my life.  
12          Let destruction come upon him unexpectedly,  
13          And let his net that he has hidden catch himself;  
14          Into that very destruction let him fall.  
15  
16          And my soul shall be joyful in the LORD;  
17          It shall rejoice in His salvation.  
18          All my bones shall say,  
19          "LORD, who is like You,  
20          Delivering the poor from him who is too strong for  
21          him,  
22          Yes, the poor and the needy from him who plunders  
23          him?"  
24  
25          Fierce witnesses rise up;

1           They ask me things that I do not know.  
2           They reward me evil for good,  
3           To the sorrow of my soul.  
4           But as for me, when they were sick,  
5           My clothing was sackcloth;  
6           I humbled myself with fasting;  
7           And my prayer would return to my own heart.  
8           I paced about as though he were my friend or brother;  
9           I bowed down heavily, as one who mourns for his  
10          mother.  
11          But in my adversity they rejoiced  
12          And gathered together;  
13          Attackers gathered against me,  
14          And I did not know it;  
15          They tore at me and did not cease;  
16          With ungodly mockers at feasts  
17          They gnashed at me with their teeth.  
18  
19          Lord, how long will you look on?  
20          Rescue me from their destructions,  
21          My precious life from the lions.  
22          I will give you thanks in the great assembly;  
23          I will praise You among many people.  
24  
25          Let them not rejoice over me who are wrongfully my

1           enemies;

2           Nor let them wink with the eye who hate me without a  
3           cause.

4           For they do not speak peace,

5           But they devise deceitful matters

6           Against the quiet ones in the land.

7           They also opened their mouth wide against me,

8           And said, Aha, aha!

9           Our eyes have seen it.

10

11           This you have seen, O Lord;

12           Do not keep silence.

13           O Lord, do not be far from me.

14           Stir up yourself, and awake to my vindication,

15           To my cause, my God and my Lord.

16           Vindicate me, O LORD my God, according to your  
17           righteousness;

18           And let them not rejoice over me.

19           Let them not say in their hearts, Ah, so we would  
20           have it!

21           Let them not say, we have swallowed him up.

22

23           Let them be ashamed and brought to mutual confusion

24           Who rejoice at my hurt;

25           Let them be clothed with shame and dishonor

1 Who exalt themselves against me.  
2  
3 Let them shout for joy and be glad,  
4 Who favor my righteous cause;  
5 And let them say continually,  
6 "Let the LORD be magnified,  
7 Who has pleasure in the prosperity of His servant."  
8 And my tongue shall speak of Your righteousness  
9 And of Your praise all day long.

10  
11 And so it is. This is the reading from God's word.  
12 Thank you.

13 THE COURT: Thank you, Mrs. Salter. I'm very  
14 sorry for your loss.

15 MRS. SALTER: Thank you.

16 THE COURT: Good morning.

17 MS. CRAWLEY: Good morning. I'm here on behalf  
18 of the grandchildren of Ruth Elizabeth Whitfield:  
19 Tiffany, Kaniva, Jasmine, Felicia, myself Simone, Garnell  
20 the III and Sasha.

21 Our grandmother -- our grandmother went to buy seeds  
22 for her garden on May 14th, 2022. She may not have been  
23 able to plant those seeds, but the seeds that she planted  
24 throughout her life are abundant. The same way she  
25 brought us together on Ridge Street is the same way she

1           brought unity and solidarity to the masses. We fondly  
2           remember waking up from our sleepovers to the smell of  
3           Sunday dinner while getting ready for church. She was the  
4           driving force for our fishing trips and our camping  
5           adventures.

6           Our grandmother had a strong and resilient spirit.  
7           She will not be present for our milestones, but we stand  
8           strong and determined and triumphant in ways that you can  
9           never fathom. We find strength in knowing that her legacy  
10          will outlive you. You will simply go from a name to a  
11          number. You will be herded like cattle. You will be shut  
12          away from the world. You will not enjoy family events.  
13          You will not enjoy outings with friends. You will be  
14          nameless and faceless, and we feel sorry for you. We pity  
15          you even.

16          Your life was meaningless before May 14th, 2022, and  
17          you woke up every day feeling small. You clearly did not  
18          value your own life, which allowed you to devalue the  
19          lives of others. Even with all of the heartache that you  
20          have caused, you still have failed to break our family  
21          spirit. You thought you broke us, but you awoke us. We  
22          all know the pure hatred and motivations behind your  
23          heinous crime, and we are here to tell you that you  
24          failed. We will continue to elevate and be everything  
25          that you are not, everything that you hate, and everything

1       that you intended to destroy. Despite our battle scars,  
2       we will not -- you will not win the war.

3           We had a praying grandmother who taught us that the  
4       battle is not yours, it is the Lords. The global  
5       outpouring of support and love not only for our family,  
6       but for everyone within the black community has spoken  
7       volumes, and it reiterates your failure.

8           You are a cowardly racist. Every single person that  
9       has been instrumental in molding you and supporting you  
10       and informing you, aiding and supplying weapons needs to  
11       be held accountable and not protected as they have been.

12           You recorded the last moments of our loved ones lives  
13       to garner support for your hateful cause, but you  
14       immortalized them instead. We are extremely aware that  
15       you are not a lone wolf, but a pawn of a larger organized  
16       network of domestic terrorists. And to that network we  
17       say, we as a people are unbreakable.

18           Our dear grandmother -- our dear grandmother, Ruth  
19       Elizabeth Whitfield, she taught us the power of love, and  
20       even in our darkest hour, we will ensure that her legacy  
21       will be that of love.

22           THE COURT: Thank you. I am sorry for your  
23       loss. It's not necessary for those who wish to speak to  
24       stand waiting for your turn. We will wait for you to  
25       approach the podium, so if you would like to take a seat

1           and be more comfortable, you are welcome to do so.

2           MR. WAYNE JONES: Hello, Judge.

3           THE COURT: Good morning.

4           MR. WAYNE JONES: I'm Wayne Jones; the only  
5           child of Celestine Chaney. I watched you kill my mom. I  
6           watched you on the Internet. I watched you shoot her  
7           once, reload, and shoot her again. I just want you to  
8           remember that name and what you did. On March 14th, you  
9           killed Celestine Chaney and Rita Drury, Andre Mackniel,  
10          Kathleen Massey, Markel -- Margus Morrison, Heyward  
11          Patterson, Aaron Salter, Geraldine Talley, Ruth Whitfield  
12          and Pearl Young. These are the names of the victims you  
13          decided to kill that day.

14          Here are some of the names of the lives you've  
15          changed forever. Wayne Jones, Sr., Wayne Jones, Jr.,  
16          Kayla Jones, Charon Reed, Chayna Jones, Donell Jones,  
17          Nasir Jones. You took from us a loving mother, a  
18          grandmother, sister, aunt, cousin and friends. Behind  
19          your senseless act, we will never have another birthday,  
20          another get-together, another celebration, shopping,  
21          another call on the phone like we often like to do.

22          While I was writing this, tears fell from my eyes.  
23          Think about what a beautiful person you took because of  
24          your hate, what you've learned from the Internet. I'm not  
25          going to drag this out long.

1           I just want to remember some of the things that -- I  
2           want you to remember some of the things that I say to you.  
3           I've seen you a couple of times in court, and you look  
4           like a young man that could be anybody's son. You don't  
5           come across to me as a racist killer, even though that's  
6           what you have done. Mistakes, some are big, and some are  
7           small. This one here is a real big one that you can't  
8           take back. You have to live with this one, bro, just as I  
9           have to live with this every day.

10          I don't know what your relationship with your parents  
11         are, but I'm a parent and I feel sorry for your parents.  
12          You will never get to hug them again, like I won't. You  
13         will never get to see your grandparents again. You will  
14         never see the outside world again. I don't wish the death  
15         penalty on you. I wish they keep you alive so you have to  
16         suffer with the thought of what you did for the rest of  
17         your life. To me, killing you is the easy way out.

18          One day I hope you find it in your heart to apologize  
19         to those ten families who you shattered their lives  
20         because of senseless unnecessary business that you had  
21         going on with yourself. You have shattered a lot of lives  
22         here, sir. I got a child your age. I know it was a  
23         mistake. It was a big one, bro. You have to pay for  
24         this. Just find it in your heart to apologize to these  
25         people, man. I've been there, man. You've been

1           brainwashed. The Internet is the issue. You're only  
2           eighteen. Obviously you don't even know black people that  
3           much to hate them. You learned this on the Internet and  
4           it's a big mistake. I feel sorry for your mother. Your  
5           mother, I don't have mine, but your mother, she's dying  
6           inside from what you've done. She can't even pick her  
7           head up behind some nonsense that you've done, and I hope  
8           you find it in your heart to apologize to these people,  
9           man. You did wrong for no reason. That's all I got to  
10          say.

11                 THE COURT: Thank you, Mr. Jones. I'm sorry for  
12          your loss. Good morning.

13                 MS. LESLIE VANGIESEN: Your Honor, my name is  
14          Leslie VanGiesen. I represent Roberta Drury's family. My  
15          daughter, Robbie Drury, was a young woman. She was not  
16          married. She had no children. She never will. Robbie  
17          was our youngest daughter. When people ask how many  
18          children do you have, I don't know what to say. Will I  
19          ever be able to enjoy August 11th, her birthday? May  
20          14th, how will my family ever have a nice thought on a  
21          beautiful spring day? How do I look at her Christmas  
22          stocking hanging every year.

23                 Today when I think of Robbie, I don't think of her  
24          like this. I need this picture to remind me. She was a  
25          beautiful girl. I think of her alone laying on the

1           pavement for hours. I've never been able to see or touch  
2           her after that day. I have been profoundly changed. My  
3           life view is -- it's just saddened everything. Robbie's  
4           family, my family has been permanently damaged, and there  
5           is no punishment that will ever reserve -- reverse our  
6           loss. Thank you.

7                         THE COURT: Thank you, Ms. VanGiesen. I'm very  
8                         sorry for your loss. Good morning.

9                         MS. TAMIKA HARPER: My name is Tamika. I'm a  
10                  niece of Geraldine Talley. Our family's aunts are more  
11                  less our second moms, and that's what you took away from  
12                  me. You took away my mom, best friend. You destroyed our  
13                  lives forever. There's not a day that goes by that I  
14                  don't remember May 14th, and being two minutes sooner, I  
15                  could have been in that store, and all I think about is  
16                  could I have saved my aunt, could I have helped her get  
17                  away from the bullets, or could my mom be suffering more  
18                  and lose her daughter, her granddaughter and her sister.

19                         So, in life everything that happens happens for a  
20                  reason, and that's good and bad. At eighteen -- at  
21                  nineteen years-old, I had to bury my first son. But the  
22                  pain I feel from you taking my aunt from our family will  
23                  never even compare to burying my own child.

24                         This was a horrible crime that you committed, and I  
25                  hope you do pray for forgiveness because, you know, not

1           forgiving, I'll be blocking my own blessings. So, do I  
2           hate you? No. Do I want you to die? No. I want you to  
3           stay alive. I want you to think about this every day of  
4           your life. Every day of your life think about my family  
5           and the other nine families that you destroyed forever,  
6           forever. May 14th will never be the same for me. My aunt  
7           was my grandchildren's Godmother, and she was taken away  
8           on my granddaughter's birthday. My granddaughter will  
9           never be able to celebrate her birthday on May 14th. It  
10          hurts so bad. It hurts so bad.

11           But I'm gonna pray for you, and I want everyone to  
12          just pray for all the families that we can get through  
13          this, because right now, almost a year later, I still feel  
14          like my life will never be the same ever. It will never  
15          be the same.

16           THE COURT: Thank you. I'm sorry for your loss.

17           MS. BARBARA MASSEY: I'm not gonna be nice. My  
18          name is Barbara Massey. I'm Katherine Massey's sister.  
19          You killed my sister. Kat -- let me tell you about my  
20          sister, Kat. Kat weighed a hundred and ten pounds,  
21          seventy-two years old. Kat would do anything for anybody  
22          at any time. Kat was intelligent. She was a teacher.  
23          She was my best friend. She was anything at any given  
24          time. Kat was a protector. If Kat saw you, she'd  
25          probably go in her pocket and give you some money, even

1 though you didn't need it.

2           Kat was an aunt, she was a great aunt, she was a  
3 cousin, she was a friend. Kat said she was a committee of  
4 one. There's nothing Kat wouldn't do for people.

5           I want to personally choke you, to see my fingers  
6 on your neck, because it's unnecessary. You live two  
7 hundred miles to come to Buffalo, you don't even know any  
8 black people. Ninety-five point seven, that's what they  
9 said for the census in your town. You don't know an  
10 Indian, a Mexican, nobody, and your little punk ass  
11 decided to come and kill my sister.

12          I talked to Kat every single day. You don't think  
13 Kat had any kids? Kat didn't have any children but she  
14 said she had thirty-four thousand; that was the number of  
15 kids in school. Kat had so many children, our mind went  
16 boom with her own money. There's nothing Kat wouldn't do  
17 for anybody. You know what made Kat happy? I was cutting  
18 grass that we don't even own. That make my sister happy.  
19 That's what I was doing when you killed Kat. I was doing  
20 her lawn.

21          I was there eight hours with my family begging the  
22 cops, is my sister okay? You blew off her fuckin' back of  
23 her head, man. A hundred and ten pounds. Seventy-two  
24 years-old. I want -- you better -- thank you all for  
25 protecting me because I will hurt you so bad. You have

1 made me sick. You got my family crying. I miss my sister  
2 every day. I live three doors down from Kat. I talked to  
3 Kat four times a day. My brother, Ward, goes up there and  
4 sit in the park where Kat like to be. My son called Kat  
5 Triple Black because she was so proud of her heritage. My  
6 nephew say Kat was a saint among sinners. My sister,  
7 Katherine Massey, was a great person. Kat didn't hurt  
8 anybody.

9 You gonna come to our city and decide you don't like  
10 black people. Man, you don't know a damn thing about  
11 black people. We're human. We like our kids to go to  
12 good schools. We love our kids. We'd never go in no  
13 neighborhood and take people out.

14 ||| (Whereupon, an outburst occurred in the courtroom.)

15 || (Recess in the proceedings.)

16 THE COURT: During this proceeding is an  
17 opportunity for those of you who are most affected by this  
18 heinous act to address the Court and address the  
19 defendant, but I am sure that you are all disturbed by the  
20 physicality that we've seen in the courtroom here today,  
21 and I understand that emotion, and I understand the anger,  
22 but we cannot have that in the courtroom. And I am  
23 prepared to give anyone that needs to speak an opportunity  
24 to speak, and I know that you need to address some of your  
25 comments to the defendant, but we must conduct ourselves

1           appropriately, because we are all better than that.

2           And so we will continue with the proceedings at this  
3           time, and anyone that is feeling overwhelmed by their  
4           emotions, I would ask that you perhaps step out in the  
5           hallway and take a moment to gather yourself. But we are  
6           here today to allow you to express yourself and I will  
7           allow you to do that, but I need you to stay at the  
8           podium. We can bring the defendant in please.

9           (Whereupon the defendant entered the courtroom.)

10           THE COURT: Let the record reflect that the  
11           defendant is present in the courtroom, and we are ready to  
12           proceed. Good morning.

13           MS. ZENETA EVERHART: Good morning. My name is  
14           Zeneta Everhart, and I'm here on behalf of my son, Zaire  
15           Goodman. On May 14th, 2022, my son, Zaire Goodman, was at  
16           work doing what young people do. He was working at his  
17           part-time job and then terror struck. A terrorist shot  
18           Zaire point blank in the neck, and the bullet fragments  
19           tore through his body and exited his back. He  
20           miraculously survived, but his life is now forever  
21           changed.

22           Over the last several months, his life has been all  
23           about going to the doctor, seeing therapists, and trying  
24           to make peace with knowing that someone came into his  
25           community and tried to kill him because of the color of

1      his skin. And then questioning why his life was spared,  
2      when ten others did not survive. It is an understatement  
3      to say that he has survivor's guilt. He is dealing with a  
4      pain that I as a mother cannot heal.

5            The ideology to which this terrorist carried out this  
6      attack by some is labeled as a sickness or a disease. It  
7      is not. Racism, hatred and white supremacy are lifestyles  
8      that are chosen. On that day, Zaire chose to get up and  
9      go to work, and that terrorist chose to drive a few  
10     hundred miles to shoot and kill ten people and seriously  
11     injure three others. As humans, we have the ability to  
12     decipher right from wrong and make choices accordingly.  
13     No matter what choice we make, we have to deal with the  
14     consequences of that choice, good, bad or indifferent. On  
15     that day, this terrorist made the choice that the value of  
16     a black human meant nothing to him.

17           The disregard he has for human life and the  
18     callousness to which he carried out this attack on my son  
19     and community not only makes him a monster but a coward.  
20     Only a weak human takes out their pain on others.

21           The world says you have to forgive in order to move  
22     on, but I stand before you today to say that will never  
23     happen. Forgiveness to me puts this tragedy in the laps  
24     of the victims, and I, nor my son, will accept the  
25     responsibility of his terroristic act. This is his and

1           his alone. It is he who will need to ask for forgiveness.

2           As he lay in his cell late at night when he can't  
3           sleep, I hope that he is thinking about the ten lives that  
4           he stole from us. I want him to think about my son who he  
5           shot and the other survivors. I want him to think about  
6           the community he tried to destroy. And when the sun comes  
7           up, I want him to know that that is Zaire. That is my  
8           son, Zaire Mysaun Goodman, showing you that what you did  
9           to him hurt but he continues to shine.

10          Whatever the sentence is that he receives, it will  
11          never be enough to pay for the damage that he has caused.  
12          I hope that he receives the fate that he deserves. Thank  
13          you.

14           THE COURT: Thank you.

15           MS. STEPHANIE WATERS: My name is Stephanie. On  
16           May 14th at 11:00 a.m., I was on a Zoom with a group I've  
17           been in for years called Erase. Our slogan is erasism.  
18           We seek through person-to-person communication to  
19           eradicate the disease of racism and white supremacy.

20          A few hours after my Zoom ended, I called my sister  
21          to visit with her. She answered the phone. She said,  
22          Steff, I'm in an ambulance, I've been shot in the head.  
23          If I die, please be there for my children. A lot of  
24          people have been killed, please ask everyone that we know  
25          to pray.

1           I begged her to stay on the phone not knowing if I  
2 would ever speak to her again. She hung up and I headed  
3 to the airport. It wasn't until I was sitting in the  
4 airport in a plane that my nephew called and said, Aunt  
5 Steff, it was a white supremacist, he filmed the entire  
6 thing on livestream. I groaned and roared and screamed so  
7 loudly that the plane was delayed in taking off. I roared  
8 in pain for my sister, my beautiful sister, pharmacist who  
9 was serving in the east side. I never knew if I would see  
10 her again. I was also in pain for my brothers and sisters  
11 who do not look like me or like the defendant. I roared  
12 in pain because he bought into the lies of this country  
13 that somehow because of the amount of a chemical in our  
14 skin we are superior. We were not even the first ones  
15 here in the US. Okay.

16           Our black and brown brothers and sisters endured  
17 centuries, not years, centuries of oppression as they  
18 built our buildings and produced our crops by which the  
19 foundation of this country was built on. They continue to  
20 endure oppression. Even the Harvard lawyer is mistaken  
21 continually in the courtroom for the defendant and not  
22 the -- not the lawyer. They continue to endure  
23 microaggressions. They continue to have their families  
24 gunned down simply because of the color of their skin.

25           You heard some of the family members today reading

1           from the Bible, offering forgiveness, offering peace,  
2           showing the beauty of their hearts. Yes, you also saw the  
3           fury. And for those who serve, you will have to ask  
4           people to sit, I ask you to do it with an empathy in your  
5           heart and an understanding that for hundreds and hundreds  
6           and hundreds of years, we have been looking at our brown  
7           brothers and sisters as if they were less than. They are  
8           not less than. They deserve our respect, they deserve our  
9           radical empathy, they deserve for us to get educated on  
10          what we can do to treat them with the respect that they  
11          deserve.

12           I'm speaking not only for my sister who served in the  
13          east side. My mother's not with me, she's a teacher on  
14          the east side, she's teaching today. Our father, my late  
15          father who was a cancer research scientist, Masters and a  
16          Ph.D, he dedicated his life to serving. For the last  
17          thirty years on the east side he ran a mission helping  
18          people that deserved to be here that deserve to be helped.

19           So, I ask you, Judge, I wish you could promise that  
20          the defendant would never have access to social media for  
21          the time that he's alive. I know that's not practical,  
22          but I would ask you, the defendant, please, please  
23          consider the possibility that you were wrong, and that we  
24          are stronger together. Diversity makes us beautiful. If  
25          every color in the pallet was the same color, we would

1 have no beauty in anything in this world. Diversity in  
2 the body makes us strong. If every finger was a pinky, we  
3 couldn't do anything. We are stronger together. A house  
4 divided cannot stand. Thank you.

5 THE COURT: Thank you. Good morning.

6 MR. CHRISTOPHER BRADEN: Good morning, Your  
7 Honor. Christopher Braden. It has been less than a year  
8 since you attacked me and twelve others that day, along  
9 with a countless number of Tops' employees, customers and  
10 residents of that area.

11 I still remember May 14th, 2022, and everything about  
12 it still haunts me. Your actions have completely changed  
13 and impacted my life in every aspect. I cannot even begin  
14 to describe the feeling of terror I had on that Saturday  
15 afternoon when I was attacked by you.

16 I was shot in the leg -- I was shot on the inside of  
17 my leg just above my knee, and the bullet exited outside  
18 below my knee taking almost everything with it. The  
19 injuries I sustained were severe but I remained conscious  
20 and coherent the entire time. I, unfortunately, saw a few  
21 victims being killed. As I was being taken out of the  
22 store after the shooting was over, I saw all the victims  
23 where they lay. The visions haunt me in my sleep every  
24 night and most days. I cannot get those memories out of  
25 my head.

1           Nighttime is the worst for my PTSD. I have night  
2         terrors that jerk me awake in the middle of the night and  
3         I'm unable to calm back down to go back to sleep. Loud  
4         noises never bothered me before but they do now. I'm also  
5         on edge and hypervigilant about my surroundings, feeling  
6         the need to be always on alert and protect myself.

7           I spent ten days in the hospital, endured four  
8         surgeries with two more surgeries to go. My left leg  
9         below my knee was nearly lost, had it not been for the  
10        excellent work of my surgeons and the entire team at ECMC.  
11        It takes me at least fifteen minutes every morning just to  
12        get out of bed, because my left leg and foot don't work as  
13        they should. Without the brace on my foot, it drags and  
14        I'm not able to flex it. I have no feeling from my knee  
15        down to my toe. Both of these things are permanent. I  
16        just started being able to put my own sock on and shoe.  
17        Although some shoes I still have trouble with.

18           I'm frustrated with the things that I haven't been  
19        able to do since my injury. I could speak for hours about  
20        my injuries and treatment, as well as the permanency of  
21        these injuries, the stress of not being able to return to  
22        work, the pain I suffered while hospitalized that  
23        continues to this day, extensive rehab I have gone  
24        through. However, I would rather talk about being a  
25        survivor.

1           I'm still the same person that I was before you did  
2         this to me. My scars and pain remind me of how strong  
3         I've become. I'm more alive and stronger than ever. You  
4         haven't taken away my will to live. You haven't broken my  
5         spirit. The scars are a constant reminder of what  
6         happened to me but don't define my future. Thank you.

7           THE COURT: Thank you, Mr. Braden. Good  
8         morning.

9           MR. BRIAN TALLEY: Good morning, Your Honor. My  
10         name is Brian Talley. I'm here on behalf of Geraldine  
11         Talley and my nephew, Mark Talley. Payton Gendron.  
12         Payton Gendron. The reason I mention your name is because  
13         so many people have spoke about it, not to say anything,  
14         not to mention your name, but you need to be known. You  
15         need to be known world-wide.

16         I've done a little history on you too, Payton. I  
17         watched the video, you know, and I just can't believe,  
18         what can you say? What can you possibly say after putting  
19         on a video of killing people? It was like a video game to  
20         you. What can you possibly say to anybody? Your words  
21         don't mean anything. After this, I'm leaving because I  
22         don't want to hear what you have to say. It doesn't make  
23         a difference.

24         I'm going to give you a little history lesson. The  
25         Willie Lynch Doctrine, the making of a slave, it said you

1 take the biggest, the toughest and the blackest nigger;  
2 you take him, you tie a horse to one arm, you tie a horse  
3 to the other arm, you tie a horse to one leg, and tie a  
4 horse to the other leg, and then you rip him apart in  
5 front of every slave to let you know what it is. You did  
6 that to us. You came into the biggest part, the strongest  
7 part of the black community and you ripped us apart. How  
8 can you possibly get any kind of -- how can you possibly  
9 stand up here and say that you're sorry, that you're  
10 sorry. You were planning this whole thing. You planned  
11 it. You put it on a video like it was a video game and  
12 watched it. I watched my sister-in-law get shot by you.  
13 I watched it.

14 I went into Tops a couple of times, and every time I  
15 go in there, only thing plays out in my mind is where you  
16 walked, where you shot, what you did, you know. The  
17 hatred that you must have in your heart for black people,  
18 I will never understand. I don't want to understand it.

19 But I must say this, I pray to God they do not kill  
20 you. Because I've been incarcerated, you know, I have,  
21 and I know where you're going, and where you're going,  
22 solitary confinement for the rest of your life by yourself  
23 wearing this color green. That's why I wore green today,  
24 because I want you to remember this color. You'll be  
25 wearing this color for the rest of your life. I'm praying

1           that you wear this for the rest of your life.

2           I will say this. My nephew didn't come today because  
3           of the hate and the pain that he feel, and I don't blame  
4           him. I do not blame him because he's still hurting. This  
5           whole community is hurting, man. You broke it. You  
6           divided this community so much that it's painful. We will  
7           never heal from this.

8           Can you imagine, you wake up on a Sunday morning and  
9           you're going shopping, and you're going shopping on a  
10          graveyard, because that's what Tops is now, it's a  
11          graveyard. It is a graveyard. Can you imagine going to  
12          buy your groceries at Forest Lawn, right in the middle of  
13          Forest Lawn right now? Well, that's what you did. And if  
14          you look at the community right now on Jefferson Avenue,  
15          after all the hype and everything, nothing has changed.  
16          As a matter of fact, it's got even worse. It's got even  
17          worse. Stores is closed down. The community is totally  
18          devastated and you did this.

19           I pray to God for your soul. I forgive you, but  
20          I forgive you not for your sake but for mine and for this  
21          black community. I forgive you because that's the only  
22          way we gonna heal. But you can best believe, I will never  
23          forget your name. I will follow you, every -- your  
24          parole, whenever you in court, whatever you're going  
25          through, I'm going to follow you. Just like you followed

1           us, just like you sat down and you followed us. I will  
2           always remember your face. I will never ever forget you.

3                     THE COURT: Thank you, Mr. Talley. Good  
4                     morning.

5                     MS. MICHELLE SPIGHT: Good morning, Your Honor.  
6                     My name is Michelle. My last name is Spight. I lost an  
7                     aunt on May 14th and a cousin. What are the chances that  
8                     two of your family members would be in the same place from  
9                     two different sides of your family? This is the first  
10                   time I really had to process this for myself, as I've been  
11                   an advocate for my families that couldn't be as strong to  
12                   speak for themselves.

13                   The calculated manifesto that you derived, the way  
14                   that you started on the street that I grew up on. You  
15                   journeyed down my grandmother's street and then wound up  
16                   at Tops and killed two of my family members.

17                   My cousin, Pamela Young, that was -- Pearl Young was  
18                   her mother. She was our only daughter. So I stand here  
19                   to represent James Young, her son, Damon Young, her son,  
20                   Pamela Young, her daughter, and all of her grandchildren,  
21                   Oriana, Greg, Nate, and a host of others.

22                   I'm going to read Pamela's statement. She could not  
23                   be here today. It's entitled residency. What will take  
24                   up residency? Will it be May 14th, 2022, or the court  
25                   appearance or every interview or every time I've had to

1 send my mother's death certificate to an insurance company  
2 with the cause of death being multiple gunshot wounds to  
3 the head? You didn't shoot her once, but you turned  
4 around and shot her two times. So much so that her -- her  
5 viewing could not even be made by her family. I won't --  
6 great strength. Some mornings I wake up with questions  
7 of, why my mother.

8 I still recall the day I viewed my mother's body for  
9 the final time at the funeral home. Her face held no  
10 familiar semblance, and I couldn't even get her wedding  
11 ring on her finger because so much of her was distorted.  
12 I am jealous of my friends and family because they can  
13 remember all the beauty of her smile, and I grapple with  
14 my final image.

15 But then I think, what has the right to take up  
16 residency in my mind? I remember being an eight year-old  
17 girl traveling with her to UB as she completed her college  
18 degree. The experience of watching her earn her degree  
19 and realizing that I could attain one. She was my  
20 inspiration. I remember my mother's advice on the day of  
21 my marriage, her presence at the birth of all three of my  
22 children. There also -- there was also a time nearly  
23 fifteen years ago when she lived with me for six months.  
24 She needed to recover from a major surgery in a home where  
25 she could maneuver around easily. My mother spent those

1       months with me and my husband. We drank coffee together  
2       and talked for hours. I was so grateful to be able to  
3       care for her as she had done for me throughout my  
4       childhood.

5           I vividly recall October 31st, 2019, the night my  
6       husband passed away unexpectedly. I arrived at her house  
7       full of tears. She brushed my hair as I lay on her lap as  
8       if I were a five year-old girl again. I have so many  
9       other memories that I've decided to write them in my  
10      journal.

11          May 14th will always be a memory of a heinous and  
12       monstrous act of violence perpetuated by an angry man  
13       against my mother simply because of her race. An act of  
14       hatred and white supremacy, but I won't allow it to take  
15       up residency in my mind, not when there is so much more  
16       about my mother that deserves residency there. So when my  
17       mind is invaded by May 14th, 2022, I will allow the tears  
18       to fall, and the question of why to utter from my lips,  
19       but, afterwards, I'll take out my journal to remember all  
20       the precious moments with my mother. Two minutes and  
21       three seconds won't steal those memories.

22           But, Payton, I hope you are haunted every day and  
23       every night. I hope nightmares invade your sleep and  
24       convict -- and conviction be your constant companion. You  
25       came to Buffalo with hatred and anger in your heart. You

1           terrorized a community, took the life of my best friend,  
2           but your anger and hatred is not greater than my love for  
3           my mother. Beautiful thoughts of her are in my mind as I  
4           write tonight. I'm reminded of one of my favorite  
5           scriptures and it says: Now dear brothers and sisters,  
6           one final thing. Fix your thoughts on what is true and  
7           honorable and right and pure and lovely and admirable.  
8           Think about things that are excellent and worthy of  
9           praise. Philippians four and eight. This will take up  
10          residency in my mind. Pamela Young Pritchett.

11           And a final reading on behalf of the Morrison family,  
12          specifically, Fred Morrison, and his mother who was  
13          seventy-two, who on her birthday buried her son. Thanks,  
14          Payton for that.

15           Dear sirs, the dreadful afternoon of May 14th was the  
16          day my world was turned upside down. My life has been  
17          altered in unimaginable ways. The sheer agony I felt  
18          waiting at the Makowski School for the confirmation that  
19          my brother was one of the victims of this senseless  
20          massacre by a white supremacist is riveting.

21           I never imagined my best friend, my only left  
22          brother, one who I shared holidays, birthdays, football  
23          game days, and most remarkably, our most precious gift we  
24          share in our mom. Now, all mom and I have left are a  
25          million questions of why, tons of lifeless pictures and a

1           plethora of distant memories and countless tears of  
2           insurmountable pain. Thank you for that, Payton.

3           Often times my daily struggle is the feeling of not  
4           even wanting to live my life without him. Margus and I  
5           were inseparable. Margus was the middle son, the only  
6           living brother I had, the one that fiercely protected me  
7           and my mother. He was preceded in death by my eldest  
8           brother who died suddenly of a heart attack. Now guess  
9           what, Payton, I'm reliving the pain of loss all over again  
10          on an entire new level.

11          Since his murder, I sometimes find myself challenged  
12          by not being able to sleep soundly, paranoia going through  
13          stores, and in my daily routine always watching my back as  
14          if there was a target attached to me.

15          The added responsibility of being the primary  
16          caretaker for our mother who suffered a stroke, in case  
17          you were concerned, is losing capacity to speak, I'm now  
18          left as the only child and pillow she sheds her tears of  
19          missing her baby boy Margus Morrison on. No mother -- no  
20          mother should have to bury their child, but my mother  
21          buried her son Margus on her seventy-second birthday, and  
22          Margus's daughter buried her dad on her sixteenth  
23          birthday.

24          I hope you spend the rest of your life, every second,  
25          every minute, every hour, rehearsing the daunting sound of

1           the screams and the echos of the lives you snuffed out. I  
2           pray that when you blink your eyes, Payton, you close them  
3           at night to sleep and you see images of the slain and feel  
4           the burning of the sorrow from every family member and  
5           friend of the fallen loved ones in our entire community of  
6           5/14. I pray that every second and every minute of your  
7           twenty-four hours will haunt you as the absence of my  
8           brother at every birthday, holiday, game day, family  
9           gathering, and all the other times we shared that have now  
10          become nothing but gloom and grueling for me and my  
11          family.

12           The fact that you can sit in this courtroom with no  
13          remorse, flat affect, emotionless, shows the essence of  
14          your privilege, sir; one that my brother never had and  
15          never will. The fact that you are surrounded by white  
16          officers after you casually surrendered while my brother's  
17          blood drained from his body is a testament to society that  
18          we have a long way to go, as some peoples' blood is just  
19          not as important as others. Thus, the reason you lived,  
20          and you have the privilege of being protected.

21           Needless to say, there is one, and I must address  
22          you, there is one, Payton, that sees all, and you will not  
23          escape the fury of the Almighty. One scripture is true in  
24          the Bible and that is, vengeance is mine, sayeth the Lord,  
25          and he will repay. I pray he's merciful because I too

1       need mercy. So, I pray he is merciful to let you live so  
2       that you can be reminded of the innocent blood that my  
3       brother shed behind your calculated, sinister, demonic act  
4       that caused my beloved brother to be snatched from our  
5       family. If you don't know God, Payton, I invite you to  
6       find him, because you are going to need him. With deep  
7       sorrow, Fred Morrison, brother of Margus Morrison. Thank  
8       you, Your Honor.

9                     THE COURT: Thank you. Good morning.

10          MS. DEJA BROWN: Good morning. So, I want to  
11       start off with saying my dad was Andre Mackniel. He went  
12       to that store to get a cake for my little brother, because  
13       May 14th is his birthday, my little brother's birthday,  
14       and he turned three years-old and he didn't get to  
15       celebrate his birthday with his dad because he never came  
16       back.

17          So, I was told to write an impact statement. First I  
18       was being selfish and I said I wasn't going to do it, but  
19       then I remembered I wasn't doing it for this selfish  
20       coward, or the courts or the press, but I was doing it for  
21       my dad, my best friend who was snatched from this world  
22       because of something he couldn't change, the color of his  
23       skin.

24          After I lost my Uncle Bay Bay, my dad's brother, I  
25       made my dad promise me to stay on top of his health

1 because I didn't want to lose him. And even though we had  
2 a separation in life, once we did rekindle we were  
3 inseparable. I called him for literally everything,  
4 especially when I wasn't getting my way because I knew he  
5 would make a way. But most of all, I would be lost  
6 without him because I finally found somebody who  
7 understood me to a T. We thought a lot alike, and even  
8 though he had to be dad before friend, I always respected  
9 everything he said.

10 He was so wise, and he made the world easier to live  
11 in because he had all the answers to my wild questions.  
12 When I was around him, I wanted to know his every move,  
13 where he was going, what he was doing, and I made sure I  
14 tagged along, and the one time he leaves without me, he  
15 doesn't come back.

16 After this happened, I constantly beat myself up  
17 about him going, and I'm still pissed off because he  
18 wasn't given a chance to fight. He was blindsided. You  
19 hit him and he didn't even know he got hit. He was  
20 blindsided by a hateful death at the hands of a selfish  
21 boy, who was obviously not educated on the history of  
22 African Americans. And because of you murdering my dad,  
23 I'm pissed and I'm sad, and I hate you. And I didn't  
24 think I would be strong enough to look you in the face and  
25 tell you this, how much you hurt me and my little brother,

1 who's three years-old and got to grow up without his dad,  
2 his brothers, my dad's sister, his nieces, nephews, his  
3 grandkids. Our dad, the man who created us, was killed by  
4 a little boy who was obviously raised by hateful people,  
5 and I hate your parents too so let them know that.

6 And there's nothing in this world, no amount of  
7 money, anything anyone can say that will change how I  
8 feel. This is the worst way to lose someone so close to  
9 you, and I'll never forgive you. And I don't have it in  
10 me, because no matter what, it wasn't my time -- it wasn't  
11 my dad's time to go. And who are you to think you control  
12 that.

13 My father, Andre Mackniel, Sr., his name will live on  
14 until the day I die. So you -- I don't know what else to  
15 say to you. I just hope you feel bad, I really do. And I  
16 hope -- I just hope you go through it in prison. That's  
17 all I got to say.

18 THE COURT: Thank you. Good morning.

19 MR. YVONNE ELLIOTT: Hello. I'm Yvonne Elliott,  
20 I'm Andre Mackneil's brother. Andre -- me and Andre are  
21 eleven months and eight days apart. On the 28th I'll turn  
22 fifty-three. On March 8th he'll turn fifty-four.

23 Payton, you took this from me. You took the last of  
24 my line. My mother died three days before 9/11. My  
25 brother, baby brother died in 2017. My father died in

1        2017. I'm all that's left besides my baby sister. But  
2 what I grew up with you took from me, which was my  
3 brother. The last, oldest, the only one I had, the only  
4 one I could go to.

5           You know, I became homeless and he came and found me  
6 and got me, brought me to his house. And shortly thus  
7 after that, you know, he planned a party for my nephew and  
8 asked me to be here, you know, because of my work and  
9 trying to better my life, I didn't make it. But any other  
10 thing and any other day that he's in -- Auburn is where he  
11 lived. We were born and raised in Buffalo. Yes, we are  
12 from Buffalo. Yes, this is our home. So you took a lot  
13 from me when you came into Buffalo and you drove past  
14 Auburn, you know, because Conklin is not that far.

15          Actually, I don't understand why, you know, you came  
16 all the way to Buffalo when there was a million different  
17 black communities, but you shouldn't have came anywhere.  
18 You should have sat in your car and thought about your  
19 actions. As an eighteen year old, I don't know how you  
20 can even continue on. I don't know who talked you into  
21 it. You know, because I know a lot of eighteen year-old  
22 white boys. So you know this, I know a lot of eighteen  
23 year-old caucasian little friends of mine, I call them  
24 little homies. None of them are racist so I'm confused.  
25 Especially the three that I know from Conklin where you're

1 from.

2 So I'm confused on how you got past everybody with  
3 your ideology and all this nonsense, that you have all  
4 these protectors of you. But so that you know, that  
5 they're here now. Where you're going, I've been, and your  
6 own kind is going to get you. Just so you know, I've been  
7 in that prison, your own kind is going to get you.  
8 Everything that you think that you know about prison and  
9 whatever they told you is a lie. Trust me. I've been  
10 there. You can ask anybody in here to look up my name and  
11 they'll find three different New York State ID numbers,  
12 which you're about to be. And your own kind is going to  
13 get you. They're going to befriend you. They're going to  
14 do you real filth. That's the sad part about it.

15 But you took fifty-three years from me. You took the  
16 last of my life from me. All that I grew up with, all  
17 that I know is gone. All of it. He was all I had left,  
18 and you came in here into Buffalo on May 14th and took  
19 that from me. I'll never understand why. I don't think  
20 anybody will, but you will get what you got coming. You  
21 will. That is a promise.

22 As someone has said, ven -- God says vengeance is  
23 mine; he'll get you. He will get you for all of us. Do I  
24 hate you? No. Do I want to hurt you? Yes. And trust me  
25 and believe, these dudes can't stop me really. I'm the

1           littlest thing in here, very agile, but I don't want to  
2           hurt you. And I got nine children -- ten children I got  
3           to go home to. Andre had five, and he can't even -- they  
4           can't even see him anymore. And my nephew, my three  
5           year-old nephew, every day he's calling for his father,  
6           and he can't -- he's not coming. You know how bad that  
7           hurts? You know, it's sad when I got to ignore my  
8           nephew's phone calls to tell him that daddy's not coming.  
9           It's sad, because that's all he wants to know, and I don't  
10          have an answer. But you took a lot from me. You took a  
11          lot from my family. But me, the last, I have no mother,  
12          no father, no brothers anymore. You know what you took?

13           THE COURT: Thank you.

14           MR. CALDWELL: Your Honor, we had an opportunity  
15          to hear from some of the victim's family members. We've  
16          spoken about the effect that this heinous, racially  
17          motivated act had on them, their family members, their  
18          friends and their community. However, there are  
19          additional family members you've not heard from today.  
20          Some wrote statements and chose not to speak; others could  
21          not bear to write a statement and relive one of the most  
22          traumatic events of their lives.

23           I would like to speak on behalf of all of those  
24          personally affected who chose not to submit a statement,  
25          and then I'd like to speak on behalf of the DA's Office.

1           Heyward Patterson's family members did not wish to  
2 speak today and did not submit a victim impact letter.  
3 Nonetheless, I can assure this Court that their reluctance  
4 to speak or write a letter is because of how difficult  
5 this process is, which everyone has seen today.

6           Everyone who was in Tops on May 14th of 2022 or knew  
7 someone who was killed on that day has experienced trauma  
8 that is not easy to speak about. Their absence is not an  
9 indication that they don't care about the outcome or that  
10 they have simply moved on. In actuality, it's an  
11 indication that they're still recovering and learning to  
12 cope, and cannot yet bring themselves to confront the  
13 defendant or even articulate all of their feelings in a  
14 letter.

15           I'd like to focus on the people who were at Tops  
16 Supermarket on the day of the attack for a moment. While  
17 there are many people who escaped that horrible event  
18 alive physically unharmed, they will be scarred  
19 emotionally for the rest of their lives. I visited the  
20 Tops Supermarket where this all occurred in the aftermath  
21 of the incident, and it certainly had an immediate effect  
22 on me, and I was only present for a limited amount of  
23 time.

24           I can't imagine what the survivor's of this incident  
25 were going through during the incident, as they remained

1 hidden and quiet, hoping and praying that the defendant  
2 didn't find them and end their lives too.

3 At this time, Your Honor, I'll speak on behalf of the  
4 DA's office. On May 14th of 2022, this defendant  
5 displayed the callous disregard for human life. He drove  
6 over two hundred miles out of his way with one mission,  
7 with one goal, to kill as many black people as possible.

8 During that three-hour drive, he could have turned  
9 around, but he wouldn't be deterred. He was steadfast to  
10 accomplish his goal of killing as many black people as  
11 possible and starting a race war. He fed into propaganda  
12 and lies that convinced him that somehow these innocent  
13 people who he had never heard of, who had never heard of  
14 him, who had never had a conversation with him, who had  
15 never even met him, were a threat to his very existence  
16 and identity as a white man.

17 The defendant executed ten people and wounded three  
18 others in slightly over two minutes. The only time he  
19 expressed a scintilla of remorse or regret is when he  
20 apologized to Christopher Braden, a white man, for  
21 shooting him. Any statement of expression or remorse at  
22 this point, any tears fall flat in the face of such  
23 violent actions. And I wholeheartedly believe that the  
24 only other regret that the defendant has is that he didn't  
25 kill more black people before he was apprehended by

1 Buffalo Police officers.

2 In fact, the defendant was so sure of his beliefs,  
3 which were based on lies and propaganda, that he  
4 livestreamed his attack with the goal of inspiring others  
5 to commit similar attacks, with the goal of tearing this  
6 community down, with the goal of spreading hatred and  
7 fear. He failed.

8 This community has pulled together. People of all  
9 races, sexual orientations and religions working together  
10 to show love and unity for one another. On May 14th of  
11 2022, ten beautiful and innocent lives were violently  
12 taken from their family, friends and community because the  
13 defendant subscribed to hateful ideology. However, their  
14 legacy won't be as victims struck down by someone with  
15 unfathomable hatred in his heart, but instead, it will be  
16 as a beacon of light that has brought love to this  
17 community, that made this community stronger, that united  
18 people of all races throughout our community and our  
19 country.

20 The defendant's legacy on the other hand, will be of  
21 a cowardly murderer who killed unarmed citizens. The  
22 defendant thought that this would create enough tension to  
23 start a race war, that we would turn on each other. He  
24 thought that everyone has as much hate in their hearts as  
25 he does, but he was wrong, and again he failed.

1           This community showed that they are not as ugly as  
2 the defendant's hateful ideology, and instead of choosing  
3 violence, they chose love. They showed the world that the  
4 love of this community will always be stronger than white  
5 supremacist hatred, and hopefully, the defendant will have  
6 to live with this failure for the rest of his life in a  
7 jail cell while this community continues to flourish.

8           Your Honor, this sentencing is an opportunity to say  
9 no to racism, to say no to hate, our chance to hold this  
10 defendant accountable and show others that think like the  
11 defendant that these acts have no place in our society,  
12 and that there will be dire consequences for anyone who  
13 tries to follow in his footsteps. I ask Your Honor to do  
14 what justice demands, to sentence this defendant to the  
15 maximum possible sentence allowable by our laws in New  
16 York State, to sentence him to a period of life without  
17 parole. Thank you.

18           THE COURT: Thank you, Mr. Caldwell. Have the  
19 People had an opportunity to review the pre-sentence  
20 investigation, and is there anything you'd like to make a  
21 record about with regard to that?

22           MR. FEROLETO: We have had an opportunity to  
23 review it. We have nothing to add, Your Honor. Thank  
24 you.

25           THE COURT: Anything further from the People?

1                   MR. FEROLETO: No, Your Honor.

2                   THE COURT: Thank you. Mr. Parker.

3                   MR. PARKER: I want to acknowledge that today is  
4 what I can only imagine is one of many solemn days in the  
5 lives of the survivors and the family members of those who  
6 died. Their words are heart-wrenching. Their loss,  
7 unimaginable. Only those who have lived it can truly  
8 understand their anguish.

9                   For the devastation that he caused, Payton Gendron  
10 will be sentenced to spend the rest of his life in prison  
11 with no possibility of ever being released. Our client  
12 committed these terrible crimes. He is responsible for  
13 his actions, and he will be held accountable, and he will  
14 suffer the consequences for what he did.

15                  This case highlights, however, a much deeper problem.  
16 This young man's violent hate-fueled assault was in part  
17 the product of centuries of pervasive racism and  
18 discrimination in this country. These problems need to be  
19 addressed, just as many others have publicly demanded  
20 since this terrible event took place. Unfortunately,  
21 neither this proceeding, nor any criminal trial can expose  
22 or address the historical racism that set the stage for  
23 our client's horrible acts.

24                  We as a community need to have those conversations in  
25 our legislative bodies and in our living rooms to achieve

1 meaningful change. We know that some of the families and  
2 their lawyers have asked for the information collected by  
3 law enforcement during their investigations of this crime.  
4 We support that request. We hope the resolution of this  
5 case brings the day for that information to be shared  
6 closer. The racist hate that motivated this crime was  
7 spread through on-line platforms, and the violence that  
8 was made possible was in part due to the easy access of  
9 assault weapons.

10 Still, our client is responsible for this crime. He  
11 will spend the rest of his life locked away and eventually  
12 he will die in state prison. We hope that knowing he will  
13 never be free again will offer some small bit of comfort  
14 to those that he hurt so much.

15 Some of those most affected by his crime have  
16 expressed a need to know whether our client is remorseful;  
17 remorseful for what he did and the devastation that he  
18 caused. We are aware, however, that for others, any  
19 expression of remorse would be meaningless, and the very  
20 sight of him or the sound of his voice can be painful. At  
21 this time he has a brief statement to make. His words are  
22 not in any way intended to inflict any further pain on  
23 those that have already suffered, and we hope that they do  
24 not do so. Thank you.

25 THE COURT: Thank you, Mr. Parker.

1                   THE DEFENDANT: I'm very sorry for all the pain  
2 I caused the victims and their families to suffer through.  
3 I'm very sorry for stealing the lives of your loved ones.  
4 I cannot express how much I regret all the decisions I  
5 made leading up to my actions on May 14th. I did a  
6 terrible thing that day. I shot and killed people because  
7 they were black. Looking back now, I can't believe I  
8 actually did it. I believed what I read on-line and acted  
9 out of hate. I know I can't take it back but I wish I  
10 could, and I don't want anyone to be inspired by me and  
11 what I did.

12                  THE COURT: Has the defense had an opportunity  
13 to review the presentence investigation, and is there any  
14 record you wish to make with regard to that?

15                  MR. PARKER: Judge, we have had a chance to  
16 review the presentence report, and we have no comment on  
17 it at this point.

18                  THE COURT: Is there any further comment the  
19 defense wishes to make?

20                  MR. PARKER: No. We are ready for sentencing.

21                  THE COURT: I would like to thank you all for  
22 being here, and thank those of you who have shared your  
23 thoughts and feelings with the Court either in writing or  
24 in open court here today. It is very meaningful to me,  
25 and I believe that it is important for the defendant and

1           the world to hear what you have to say. I am very sorry  
2           for your losses and the pain that you feel.

3           I would like to recognize the heroic officers of the  
4           Buffalo Police Department, who without hesitation ran  
5           towards the danger of an active shooter call, swiftly and  
6           professionally stopping and containing the defendant and  
7           putting an end to his evil rampage. Thank you.

8           I have spent a lot of time thinking about this case,  
9           our community, our nation, how we got here, and where we  
10          go from here. It all comes down to character, and having  
11          the strength to stand up for what is right. Our character  
12          is not defined by the good and easy times. It is defined  
13          by the hard and challenging times. And often our  
14          character is revealed not necessarily by what we say but  
15          by what we do.

16          I am both immensely proud of and grateful for the way  
17          Buffalo has rejected the evil and hate that was inflicted  
18          on our community. The character of good people throughout  
19          this city, county, state, nation, and even  
20          internationally, has shown through as they have stood with  
21          the victims of this heinous and cruel act.

22          This indictment speaks to the thirteen victims and  
23          their families that lost the most, but they are not the  
24          only victims. There are thousands that have been  
25          traumatized directly and vicariously by this defendant's

1 actions. We have seen the community turn out in support  
2 and are seeing signs of much needed change in East  
3 Buffalo. It is a testament to the power of love and  
4 compassion to overcome evil and hate by turning pain into  
5 purpose, but it is just the beginning. We have a long way  
6 to go.

7 This hateful act and other similar hateful acts  
8 across the country motivated by white supremacy and  
9 replacement theory are a reckoning for us as a nation.  
10 The ugly truth is that our nation was founded and built in  
11 part on white supremacy starting with the treatment of  
12 Native Americans by the first European settlers; to the  
13 cruel inhumane economic engine, nation-building practice  
14 of slavery; to indentured servitude; to Jim Crow Laws; to  
15 government policies creating segregated public housing  
16 with communities of color often placed in environmentally  
17 hazardous locations; to the manner in which expressways  
18 were built dividing urban neighborhoods to create easy  
19 access to government subsidized developments in the  
20 suburbs with restricted covenants prohibiting the sale of  
21 suburban homes to African Americans; to redlining  
22 practices in communities of color, further devaluing those  
23 neighborhoods; to the GI Bill, a well-deserved financial  
24 boon to our servicemen, unless of course you were a  
25 serviceman of color; to the war on drugs and mass

1      incarceration, disproportionately of men of color; to the  
2      school to prison pipeline; to inequities in education,  
3      employment opportunities and compensation; to the  
4      existence of food deserts and inadequacies in health care.

5            Our history is replete with both individual and  
6      systemic discriminatory practices. Many of them still  
7      firmly in place today. In fact, it is these very policies  
8      and practices that contributed to and made this atrocity  
9      possible. The effects of these policies, some current and  
10     others decades and centuries old, created the segregation  
11     in our city, and enabled this defendant to research and  
12     identify his target to maximize the impact of his evil  
13     intent. All of these policies and systems, either  
14     sponsored or tolerated by the government and implemented  
15     by individuals, were designed to destroy the very fabric  
16     of family life, opportunities for success, the creation of  
17     generational wealth, and even the mere existence of hope  
18     in communities of color.

19           The harsh reality is that white supremacy has been an  
20     insidious cancer on our society and nation since its  
21     inception, and it undermines the notions of a meritocracy  
22     and land of opportunity that we hold so dear.

23           However, white supremacy is not inevitable or  
24     unstoppable. It has been carefully cultivated and  
25     nurtured by individuals and the government for centuries.

1           This is the history that we have all inherited. It  
2 has been passed down from generation to generation. We  
3 must acknowledge that history, see that history for what  
4 it is, recognize it and learn from it, or we are doomed to  
5 repeat it. Let ours be the generation to put a stop to  
6 it. We can be better. We must do better. Our own  
7 humanity requires it.

8           As an individual, we must call out injustice in our  
9 daily lives when we see it. We must reject racism in all  
10 of its forms. We must be conscious of the power of our  
11 words and actions, and the impact they have on those  
12 around us both intended and unintended. We must demand  
13 better of our public servants in their efforts to address  
14 inequity, and we must embrace government policies aimed at  
15 creating and fostering diversity, equity and inclusion.

16           We must make the outpouring of support, love and  
17 compassion that followed this heinous act an every day  
18 practice. We are stronger together. These are hard and  
19 challenging times. Our characters are being tested. The  
20 future of our nation is at stake. Are we up to the  
21 challenge? I believe that we are.

22           In the words of Poet Laureate Amanda Gorman, there is  
23 always light, if only we are brave enough to see it. If  
24 only we are brave enough to be it.

25           Mr. Gendron, please stand. There is no place for you

1       or your ignorant, hateful and evil ideologies in a  
2       civilized society. There can be no mercy for you, no  
3       understanding, no second chances. The damage you have  
4       caused is too great, and the people you have hurt are too  
5       valuable to this community. You will never see the light  
6       of day as a free man ever again.

7                 It is the judgment of this Court for your conviction  
8       under the first count of the indictment, a domestic act of  
9       terrorism motivated by hate in the first degree, an A-1  
10      felony, that you be sentenced to life imprisonment without  
11      parole.

12                 Under the second count of the indictment, murder in  
13       the first degree for the murder of Roberta Drury, a  
14       vibrant thirty-two year-old young woman, a daughter, a  
15       dedicated sister and friend, I am imposing a sentence of  
16       life imprisonment without parole.

17                 Under the third count of the indictment, murder in  
18       the first degree for the murder of sixty-seven year-old  
19       Heyward Patterson, a son, father and friend, known as a  
20       faithful, hard-working, generous, well-dressed man, I am  
21       imposing a sentence of life imprisonment without parole.

22                 Under the fourth count of the indictment, murder in  
23       the first degree for the murder of seventy-seven year-old  
24       Pearl Young, a daughter, a mother, grandmother and friend,  
25       known for being a loving, dedicated substitute teacher, I

1 am imposing a sentence of life imprisonment without  
2 parole.

3 Under the fifth count of the indictment, murder in  
4 the first degree, for the murder of eighty-six year old  
5 Ruth Whitfield, a daughter, sister, wife, mother and  
6 grandmother, a dedicated caretaker, an avid fisher woman,  
7 and a valued member of her church community, I am imposing  
8 a sentence of life imprisonment without parole.

9 Under the sixth count of the indictment, murder in  
10 the first degree for the murder of Celestine Chaney, a  
11 daughter, sister, mother, aunt, grandmother and friend, a  
12 fighter who at sixty-five had beat cancer and multiple  
13 aneurysms, a person who enjoyed life and laughed easily, I  
14 am imposing a sentence of life imprisonment without  
15 parole.

16 Under the seventh count of the indictment, murder in  
17 the first degree for the murder of Aaron Salter, age  
18 fifty-five, a son, brother, husband and father, a car guy  
19 and a lover of camping, a retired Buffalo Police officer  
20 heroic and selfless to the very end, I am imposing a  
21 sentence of life imprisonment without parole.

22 Under the eighth count of the indictment, murder in  
23 the first degree for the murder of fifty-three year-old  
24 Andre Mackniel, a son, brother, uncle, father, and  
25 fiancee, devoted Miami Heat fan, survived by a three

1       year-old son, I am imposing a sentence of life  
2       imprisonment without parole.

3              Under the ninth count of the indictment, murder in  
4       the first degree for the murder of Margus Morrison, age  
5       fifty-two, a son, brother, husband and father, he loved  
6       music and sneakers, I'm imposing a sentence of life  
7       imprisonment without parole.

8              Under the tenth count of the indictment, murder in  
9       the first degree for the murder of seventy-two year-old  
10      Katherine Massey, Kat, a daughter, sister, aunt and  
11      friend, an activist known for her sincerity,  
12      thoughtfulness and honesty, I am imposing a sentence of  
13      life imprisonment without parole.

14             Under the eleventh count of the indictment, murder in  
15       the first degree for the murder of Geraldine Talley, age  
16       sixty-two, a daughter, mother and aunt, the life of the  
17       party and a top-notch baker, I am imposing a sentence of  
18       life imprisonment without parole.

19             By operation of law, the sentences on counts two  
20       through eleven must run concurrently with the sentence  
21       imposed on the first count. Under the remaining counts of  
22       the indictment to which you pled, the law permits me based  
23       on your age to consider granting you youthful offender  
24       status. The purpose of youthful offender status under the  
25       law is to prevent the stigmatization of young offenders

1       based on hasty and thoughtless acts, and to provide them a  
2       fresh start and a renewed opportunity to be a law-abiding  
3       productive member of society.

4             However, given the manner in which you methodically  
5       planned, researched, conducted reconnaissance and executed  
6       your hateful crimes, a finding of youthful offender status  
7       is not appropriate. There was nothing hasty or  
8       thoughtless about your conduct. There are no mitigating  
9       factors to be considered.

10          You will be sentenced as an adult on the remaining  
11       counts. Under the twenty-second count of the indictment,  
12       attempted murder in the first degree for the attempted  
13       murder of twenty year-old Zaire Goodman, a beloved son, a  
14       hard-working young man of character, I am imposing the  
15       maximum determinate sentence of twenty-five years,  
16       followed by five years of post-release supervision. I  
17       direct this sentence to run consecutively to all other  
18       sentences imposed.

19          Under the twenty-third count of the indictment,  
20       attempted murder in the first degree for the attempted  
21       murder of fifty-five year-old Christopher Braden, a son,  
22       father, husband and friend, a professional serving the  
23       needs of the good people of the City of Buffalo, I'm  
24       imposing the maximum determinate sentence of twenty-five  
25       years followed by five years of post-release supervision.

1       I direct this sentence to run consecutively to all other  
2       sentences imposed.

3              Under the twenty-fourth count of the indictment,  
4       attempted murder in the first degree for the attempted  
5       murder of Jennifer Warrington, age fifty, daughter,  
6       mother, wife, friend, a professional serving the needs of  
7       the good people of the City of Buffalo, I am imposing the  
8       maximum determinate sentence of twenty-five years followed  
9       by five years of post-release supervision. I direct this  
10      sentence to run consecutively to all other sentences  
11      imposed.

12             Under the twenty-fifth count of the indictment,  
13       criminal possession of a weapon in the second degree, I am  
14       imposing the maximum determinate sentence of fifteen years  
15       followed by five years of post-release supervision. I  
16       direct this sentence to run consecutively to all other  
17       sentences imposed.

18             I am assessing the mandatory surcharge of three  
19       hundred dollars, the crime victim assistance fee of  
20       twenty-five dollars, and a DNA fee of fifty dollars. You  
21       have thirty days to appeal the sentence of this Court.  
22       This concludes these proceedings, and the Court will stand  
23       in recess.

24

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\* \* \* \*

1           I, MAUREEN J. DUGGAN, RPR, hereby certify that the  
2 foregoing 57 pages are a true and accurate transcription of the  
3 stenographic notes taken by me on February 15, 2023.

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7           MAUREEN J. DUGGAN, RPR  
8           Notary Public.  
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*United States v. Payton Gendron*

**22-CR-109-LJV**

# DEFENDANT'S EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO.

v.

PAYTON GENDRON

Defendant.

**CERTIFICATION OF THE ASSISTANT ATTORNEY GENERAL**

I, Kristen M. Clarke, hereby certify that in my judgment, prosecution by the United States of PAYTON GENDRON, for violations of Title 18, United States Code, § 249(a), on May 14, 2022, is in the public interest and is necessary to secure substantial justice. This certification is made pursuant to Title 18, United States Code, § 249(b).

Dated

6/10/22

  
Kristen M. Clarke  
Assistant Attorney General  
Civil Rights Division